

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Crim. No. 09-101 (JNE/JSM)
ORDER

Roland Chapaye Pour,

Defendant.

The case is before the Court on a Report and Recommendation issued by the Honorable Janie S. Mayeron, United States Magistrate Judge, on June 30, 2009. The magistrate judge recommended that Defendant Roland Chapaye Pour's Motion to Suppress Confessions or Statements Made in the Nature of Confessions be denied. Defendant objected. The Court has conducted a de novo review of the record. *See D. Minn. LR 72.2(b)*. Because Defendant was not under arrest or other detention when he submitted to the interview on September 28, 2005, 18 U.S.C. § 3501 (2006) does not operate to bar the admission into evidence of statements made during that interview. Moreover, even if it is assumed that those statements were "false exculpatory" statements that should be treated as inculpatory, *see United States v. Peters*, 462 F.3d 953, 958 (8th Cir. 2006), the Court would nevertheless deny Defendant's motion because the Court adopts the analysis of the Report and Recommendation with respect to the voluntariness of the September 28, 2005, statements and with respect to Defendant's fruit-of-the-poisonous-tree argument regarding his November 20, 2005, statements. Accordingly, the Court adopts the Report and Recommendation.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT
IS ORDERED THAT:

1. Defendant's Motion to Suppress Confessions or Statements Made in the Nature of Confessions [Docket No. 15] is DENIED.

Dated: July 30, 2009

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge